

REMARKS/ARGUMENTS

Claims 46-74 and 78-103 are pending. By this Amendment, the specification is amended, claims 75-77 are canceled, and claims 87-103 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, attached hereto is an Information Disclosure Statement for consideration by the Examiner. The Examiner is requested to consider the information and return an initialed copy of the Form PTO-1449.

In paragraph 1 of the Office Action, the drawings are objected to as failing to disclose a body comprising a top portion and a bottom portion and wherein the bottom portion is substantially round, as set forth in claim 75. By this Amendment, claim 75 has been canceled thereby obviating the objection. However, paragraph 24 of the original specification clearly indicates that round containers are also within the scope of the present invention.

The drawings were further objected to as failing to include a description for reference numbers 54, 66 and D_g. By this Amendment, paragraphs 27 and 28 have been amended to include the description of these reference numbers which were included and approved by the Examiner in the parent application.

Reconsideration and withdrawal of the objection are respectfully requested.

Claims 73-75 were rejected under 35 U.S.C. §102(e) over Ogg et al. However, Applicants respectfully submit that this rejection is obviated by the cancellation of claims 73-75.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 46-55, 57, 58, 60-72, 76-80 and 82-86 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,575,321 (the '321 patent) in view of Ogg et al. In addition, claims 56 and 59 were rejected under

obviousness-type double patenting over the '321 patent in view of Brady. Finally, claim 81 was rejected under obviousness-type double patenting over the '321 Patent in view of Ota.

Attached hereto is a duly executed Terminal Disclaimer to obviate these rejections. The Terminal Disclaimer relates not only to the (grandparent) '321 patent, but also to the parent application (U.S. Patent No. 6,749,075), to expedite prosecution. Applicants note that the filing of a Terminal Disclaimer is not an admission as to the propriety of the rejection. See MPEP 804.02.

Reconsideration and withdrawal of the objection are respectfully requested.

New claims 87-103 are added for the Examiner's review and consideration.

Finally, Applicants note that the Examiner has crossed-out several documents from page 1 of 1 of the Form PTO-1449 filed with the application on March 30, 2004. These documents include: 1) JP 258 5264; 2) JP 283 9012; 3) EP 03 56 829; 4) WO 02/32768 A1; 5) European Search Report (ESR) dated 20 December 2002 (10 pages); and 6) Partial ESR dated 23 September 2002 (5 pages). However, documents 1-6 were considered and initialed by Examiner Weaver in the parent case (U.S. Application No. 10/387,535); and documents 1-4 were considered by Examiner Weaver in the grandparent case (U.S. Application No. 10/051,138). Copies of the following documents are provided to expedite the express (re-)consideration of documents 1-6:

- 1) JP 258 5264 (with English language translation)
- 2) JP 283 9012 (with English language translation)
- 3) EP 0356 829
- 4) WO 02/32768 A1
- 5) ESR of 20 December 2002

6) Partial ESR of 23 September 2002

7) Initialed copy of page 1 of 2 of Form PTO-1449 from parent application (10/387,535)

– showing prior citation and consideration of Documents 1-6; and

8) Partially initialed copy of page 1 of 2 of Form PTO-1449 from present application.

The Examiner is requested to fully initial the attached clean version of document 8 and return same to the undersigned.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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PTB:jck

Attachments:

Terminal Disclaimer

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